

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

EDDY D. CABRERA,	§	
Plaintiff,	§	
	§	
v.	§	MISC. ACTION NO. C-05-126
	§	
STATE OF FLORIDA,	§	
Defendant.	§	

**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND DISMISSING
PLAINTIFF'S COMPLAINT**

On December 13, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 4). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's application for leave to proceed *in forma pauperis* (D.E. 1) is denied and plaintiff's complaint is dismissed without prejudice.

ORDERED this 7th day of February, 2006.



HAYDEN HEAD
CHIEF JUDGE

